THE UNIVERSITY OF CHICAGO

ROUND TABLE

THE SENATE AND FOREIGN POLICY

A Radio Discussion by EDWARD S. CORWIN
NATHANIEL PEFFER *and* QUINCY WRIGHT

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Around the Round Table . . . .

EDWARD S. CORWIN, professor of jurisprudence at Princeton University, received his Ph.B. degree from the University of Michigan in 1900 and his Ph.D. from the University of Pennsylvania in 1905. More recently, he has been awarded an LL.D. degree from the University of Michigan and a Litt.D. degree from Harvard University. Professor Corwin was one of the original group of preceptors called to Princeton University by Woodrow Wilson in 1905, becoming a preceptor in history, politics, and economics. He has been associated with that university since that time, although he has been often a guest lecturer at many other colleges and universities. Professor Corwin is the author of many books, among which are: Part VI of Woodrow Wilson's *Division and Reunion* (1909); *The Doctrine of Judicial Review* (1914); *The President's Control of Foreign Relations* (1917); *The Constitution and What It Means Today* (1920; 7th ed., 1941); *The Democratic Dogma and Other Essays* (1930); *The President: Office and Powers* (1940; 2d ed., 1941); and *Constitutional Revolution, Limited* (1941).

NATHANIEL PEFFER, professor of political science at Columbia University, studied at the University of Chicago and was a fellow of the Guggenheim Memorial Foundation for research in China from 1927 to 1929. He is the author of *The White Man's Dilemma—Climax of the Age of Imperialism* (1927); *China: The Collapse of Civilization* (1930); *Must We Fight in Asia?* (1935); and *Prerequisites to Peace in the Far East* (1934). Professor Peffer contributes regular magazine articles on international relations.

QUINCY WRIGHT, professor of international law at the University of Chicago, received his undergraduate training at Lombard College and was granted his A.M. and Ph.D. degrees at the University of Illinois. Before coming to the University of Chicago, he taught political science at Harvard University and the University of Minnesota. In 1918 and 1921 he served as a special assistant on international law to the United States Navy Department. He is a member of the board of editors of the *American Journal of International Law* and the author of many books on international relations, among which are: *Enforcement of International Law through Municipal Law in the United States* (1916); *Control of American Foreign Relations* (1922); *Mandates under the League of Nations* (1930); *The Causes of War and the Conditions of Peace* (1935); and the recent authoritative two-volume work, *A Study of War* (1942).

THE SENATE AND FOREIGN POLICY

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MR. WRIGHT: The Senate resolution which was introduced last month by two Republican and two Democratic senators and which advises the President immediately to initiate conferences on specific problems of international organization proposes five principles for the development of the United Nations during the war, during the transitional period, and during the peace afterward. Peffer, do you consider this important?[1]

MR. PEFFER: Yes. But I take it from the point of view of the conduct of foreign affairs—not intrinsically—that we're discussing the relation between different branches of government.

MR. CORWIN: The question of the relation of the President and the Senate in the conduct of foreign relations has certainly been a thorny problem throughout our history, from the day in August, 1789, when George Washington stomped out of the Senate in a huff and said that he wouldn't go back there again, down to the time of Woodrow Wilson's defeat with the League of Nations.

MR. PEFFER: You have a much more apt illustration in 1919,

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[1] Senate Resolution 114 was introduced on March 17, 1943, by Republican Senators Ball (Minn.) and Burton (Ohio) and Democratic Senators Hatch (N.M.) and Hill (Ala.). The resolution was referred to the Foreign Relations Committee without debate, and Senator Connally, chairman of the Committee, has indicated that the resolution will be referred to a subcommittee composed of Senator George (Ga.), Senator Vandenberg (Mich.), and Senator Gillette (Iowa). A full text of the four-senator resolution, commonly called the Ball Resolution, appears on page 23.

when, as you know, the President committed the country to one treaty which the Senate argued about for a year and threw out entirely.

MR. WRIGHT: The League was defeated by a vote of forty-nine for and thirty-five against in March of 1920. Of the opposition, however, only fifteen were against the League. The rest were against the reservations which had been insisted upon by Senator Lodge, who was chairman of the Senate Foreign Relations Committee. The election of 1920, which Wilson wanted to be a solemn referendum on the League, registered no clear attitude on this subject.[2]

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[2] ". . . . Whether I am right or wrong in attributing subsequent disasters so largely to our rejection of the League in 1920, it is certainly true that this rejection was not a deliberate act either by the American people or by the Senate. In the Senate there were only 15 Senators—1 Democrat and 14 Republicans—against the League. The remaining 81 Senators were divided into three groups: 40 Democrats and 1 Republican were in favor of the League without reservations; 5 Democrats and 16 Republicans were in favor of it with mild reservations; 1 Democrat and 18 Republicans were in favor of it with severe reservations. The final vote on the treaty on March 19, 1920, was 49 for the treaty which included the League Covenant and 35 against. The majority was 7 less than the necessary two-thirds to ratify the treaty. However, of the 35 who voted against it, 20 were for the treaty but against the reservations. They hoped that the election in the autumn of 1920 would constitute a 'solemn referendum' as suggested by President Wilson which would make it possible to ratify the treaty without reservations. Actually the election was not a referendum on anything. As was said by Calvin Coolidge, elected Vice-President on the Republican ticket, 'I doubt if any particular mandate was given at the last election on the question of the League of Nations. . . . . Many men voted for the Republican Party who were in favor of the League. . . . .' So you can't say there was a preponderance of votes against the League of Nations. . . . . I think it can be said that American failure to join the League was the result of parliamentary and public confusion and not a deliberate act either of the Senate or of the public . . . ." (Quincy Wright to Dean Gordon J. Laing, March 18, 1943).

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Mr. Corwin: I don't know that I entirely agree with you. It seems to me that the election of 1920 was about as clear cut a referendum on a particular subject as we have ever had. For the rest it is my definite impression that a little more spirit of accommodation and compromise on each side would have secured the ratification of the League.

Mr. Wright: The Democrats were for the League in 1920, and thirty-one leading Republicans, including Hughes, Hoover, Root, and Stimson, issued a statement asking Republicans to vote for Harding as the shortest way to the League. The failure to join the League, it seems to me, was not a deliberate act of the Senate or of the people but the result of partisan tactics and using the two-thirds vote in the Senate.

Mr. Peffer: Careful, Wright. Remember that men have fought and bled and died about how that treaty was beaten, and I, for one, don't think there is any point now in arguing why the League was rejected. I happen to think, myself, that it was rejected because the majority didn't want it. The reservations were a way of killing it anyway. What's your conclusion on this? My conclusion is that the main thing that matters is that the situation shouldn't be repeated and that that's why we ought to begin arguing now—clarifying opinions in the Senate and clarifying opinions throughout the country—so that we won't have again the fiasco of a President's committing the country while a legislative body is opposed. Is that your position?

Mr. Wright: I agree with you on that, but in my judgment the future peace-making should be made (as eventually it was after World War I) by majority vote of both houses.

I think that we can learn something from history. If we can't learn from history, we can't learn from anything. It seems to me

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that our experience in 1919 and 1920 should indicate that the veto power of a Senate minority ought to be eliminated.

MR. CORWIN: At least we ought to learn this lesson—that there's a necessity of avoiding uncompromising positions. When under the Constitution two organs of government share a power, the Constitution assumes that they will develop a sufficient spirit of cooperation to exercise that power. Sharing power, it is assumed, will produce more representative and sounder action. Certainly not a condition of no power.

MR. WRIGHT: I agree with that. But what lesson do you draw from this, in brief?

MR. CORWIN: I draw a lesson from history in this way: That it was the original assumption of the Constitution that the President would find a counsel in the Senate. When the Senate failed to act as a counsel, the President and Senate became separated from each other and lost confidence in each other. Each became jealous for his prerogatives.[3]

MR. WRIGHT: The first question which I think ought to concern this present Senate resolution is what its general purposes are. The first thing is that it recognizes the need for making plans for peace.[4]

MR. PEFFER: That to me is the most important thing, namely, that we begin thinking this thing through now and that we begin having concrete alternatives put before us now. If we take uncompromising positions on all that, well let's do it. It doesn't matter. The essential thing to me is to know in the concrete what we're arguing about now.

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[3] Article II, sec. 2, of the Constitution says: "He [the President] shall have power by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur. . . . ."

[4] See note 1, page 1, and text of resolution on page 23.

MR. WRIGHT: It's necessary that we know that in order that we can inform our Allies where we stand. They're making agreements among themselves, and some of these agreements may not suit us very well unless they know what our position is.

MR. PEFFER: Now, you're not being rhetorical, Wright. As a matter of fact, what cramps the style of all the countries in dealing with this country is that they don't know when they have settled with one part of the government whether that is the decision of the government and the country. That's true, isn't it?

MR. WRIGHT: Yes. In thinking over the Wilson precedent of 1919 and 1920, undoubtedly many of our Allies are wondering whether the President alone can be relied upon.

MR. CORWIN: There is a question whether discussion of this sort at this time in the Senate or in Congress will have a tendency to produce uncompromising positions or not. There is certainly that danger. This is a discussion of a proposition *in vacuo*, and senators are likely to commit themselves to positions which, if they had the same general principle involved in a *concrete* situation, they would not have assumed.

MR. PEFFER: Why not let them commit themselves? I think that ought to be done.

MR. CORWIN: One reason is, of course, that consistency is a great bugaboo with public men. They take a position on a point, and, then, they feel that they have to adhere to it.

MR. WRIGHT: But these things have to be discussed sometime, and I think that it's safer during the war than later. However, I would certainly emphasize the fact that the discussion should be bipartisan, or perhaps we'd better say "unpartisan." We want to get a position taken by the Congress or the Senate which represents the views of all parties.

MR. PEFFER: If you can do that, Wright, you can also organize, institute, and conduct Paradise.

But I agree with you that the partisanship of 1919 complicated the whole thing and, I dare say, may again. But that's a lesser danger to me than the danger of letting it all go and then having decisions made by an executive to which cantankerous senators or congressmen or editors or professors arise and state the objections.

MR. WRIGHT: You're suggesting that we will have some leadership if we get a joint resolution passed. I think that it's an asset of this particular resolution that it be introduced under bipartisan auspices.

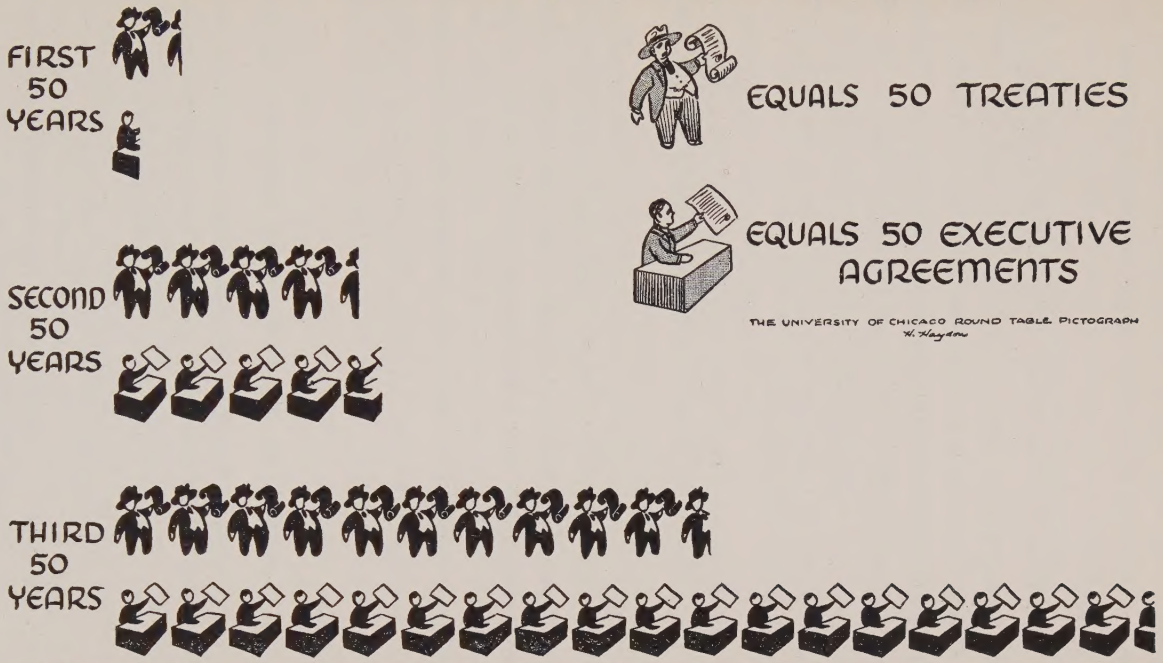
MR. CORWIN: I think that is the great argument, probably, for the proposed resolution—that it will serve to point up public opinion on the subject. That certainly would be a great advantage.

Now, however, I think that we ought to turn to a second question, and that is whether there are ways of getting around the Senate. A way of getting around, in other words, what John Hay called "the one-third of a Senate, plus one man."

MR. WRIGHT: This University of Chicago ROUND TABLE has the opportunity to examine some of the historical precedents on this question. This is one point, Peffer, in spite of what you think about history, where history can do us some good. For instance, there is this question of the Senate's serving as an advisory counsel of the President. You referred to that, Corwin, in the case where Washington stomped out of the Senate. That, I believe, was the last time that the President sought the advice of the Senate as a body and as an advisory council.

MR. CORWIN: Except that, of course, Polk, in the notable case of the Oregon Treaty, went before the Senate. He had committed himself to "54° 40′ or fight," and he wanted to get out of it in order

Treaties and Executive Agreements during One Hundred and Fifty Years under the Constitution, April 30, 1789, to April 30, 1939*



* Wallace McClure, *International Executive Agreements* (New York: Columbia University Press, 1941). See note 5, page 8, for explanation.

to fight a war with Mexico. So he went to the Senate and asked if they would agree to a treaty with Great Britain to accept 49°, and they said "Yes."

MR. WRIGHT: The Senate, being unable to give its advice on first arrangements, tried to do it by amending and reserving on treaties. That's been an important problem in history. I believe that there have been about one hundred instances in which the Senate has made reservations to treaties or in which it has rejected them or never acted upon them. In other words, the Senate has exercised a very real influence both upon the terms of treaties and upon whether they went into effect.

MR. PEFFER: But the more direct way has been, if you can call it that, evasion, or what is technically known as "the executive agreement." That's true, isn't it?

MR. WRIGHT: Yes. The executive agreements have been the great method by which the President has done things without the formal two-thirds rule. I believe that we have made nine hundred treaties in the history of the United States and some twelve hundred executive agreements. These executive agreements have dealt with almost every conceivable subject. They deal with disarmament, with commercial policy, with foreign policy, with the settlement of disputes, and even with alliances.[5]

MR. CORWIN: Yes. The Rush-Baggot Agreement, for example,

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[5] "The number of treaties and executive agreements have increased with the vast expansion of world affairs, reflecting the growing participation of the United States. . . . . For treaties the mid-way point of the enumeration [see pictogram, page 7] coincides rather closely with the advent of the twentieth century (beginning 1903); for the executive agreements listed the median year is 1920. More executive agreements have entered into force since the World War than treaties since the war with Spain which inducted the United States into large-scale world affairs . . . ." (Wallace McClure, *International Executive Agreements* [New York: Columbia University Press, 1941], p. 4).

dealt with disarmament—disarmament on the Great Lakes—and that was afterward converted into a treaty, showing that executive agreements and treaties, even at that early date—1817—covered common ground. This is a long historical development. There's nothing disreputable about it.

MR. PEFFER: No.

MR. WRIGHT: No. Then there was the Boxer Indemnity Protocol of 1900—a very important agreement—settling the problems with China that arose out of that military episode.

MR. PEFFER: Perfectly reputable, but it also shows what can be done with constitutions when there's a will.

MR. CORWIN: Certainly, and we have a will all the time at the helm.

Speaking of this Chinese Boxer Indemnity Protocol, it is extremely interesting, because the United States contributed a land force of five thousand men and a naval force to join with forces from other nations, under presidential agreement, to police a foreign country.

MR. PEFFER: With no declaration of war or no advice or consent?

MR. CORWIN: No declaration of war—no consideration by the Senate—nothing of the sort.

MR. WRIGHT: That's true, and we have the recent United Nations Agreement of January, 1942, which is one of the most important executive agreements that, in my judgment, we've had. That provides that we shall not make a separate peace and that we shall continue the war in collaboration with our Allies.[6]

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[6] The Joint Declaration of the United Nations states in part:

"The Governments signatory hereto, ... Being convinced that complete victory over their enemies is essential to defend life, liberty, independence and religious freedom, and to preserve human rights and justice in their own lands as

Mr. Corwin: I hadn't gathered the significance of that until you spoke about it. But that certainly is very interesting and entirely within the power of the President, as far as I can see.

Mr. Wright: It seems to me that it is. In my opinion, the general principle is that the President can make an executive agreement on a subject matter which he has constitutional power to carry out. He also initiates the treaties.

But even more than the executive agreement we have things done by the method of congressional resolution, implemented by executive agreements. We've done a great many things with these. We've annexed territory; we've carried on commercial relations; we've ended wars. It's worth recalling that, after the Senate had turned down the Treaty of Versailles, the war was ended, as far as the United States was concerned, by a joint resolution of Congress.

Mr. Corwin: Yes.

Mr. Peffer: In other words, we have got around this two-thirds rule, which makes all respectable secretaries of state turn purple. We've got around it in lots of ways, technically advised: amendment, rejection, executive agreements, and joint resolutions. We've gone around them, haven't we? If you're talking about the major question of the conduct of foreign affairs, then, really the two-thirds rule hasn't been a major obstruction, has it?

Mr. Wright: It has in one particular. We've always submitted to the Senate as a matter for the two-thirds vote treaties for the

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well as in other lands, and that they are now engaged in a common struggle against savage and brutal forces seeking to subjugate the world, *Declare:*

(1) Each Government pledges itself to employ its full resources, military or economic, against those members of the Tripartite Pact and its adherents with which such government is at war.

(2) Each Government pledges itself to cooperate with the Government signatory hereto and not to make a separate armistice or peace with the enemies. . . . ."

HOW DO WE MAKE FOREIGN AGREEMENTS?

1. *By executive agreement.*

2. *By a treaty, initiated by the President and passed by a two-thirds vote of the Senate.*

3. *By joint resolution of both houses of Congress.*

United States to submit to arbitration or for entering international political organizations.

Mr. Corwin: Yes, but I want to note an exception to that and a very recent one. We entered the International Labour Office by a joint resolution of Congress in June, 1934. An interesting circumstance about that is that in Lodge Reservation Thirteen exactly that method was indicated for entering international labor orders.

Mr. Wright: That's a very interesting thing to notice. We might also recall that we're in the Pan-American organization by executive agreement. But since 1896 the Senate has repeatedly turned down compulsory arbitration treaties; and, of course, it turned down the World Court and the League of Nations, so that it has given foreign countries the impression that we are unwilling to commit ourselves to this particular type of agreement. However, I don't think that it's necessary to consider that obstacle.

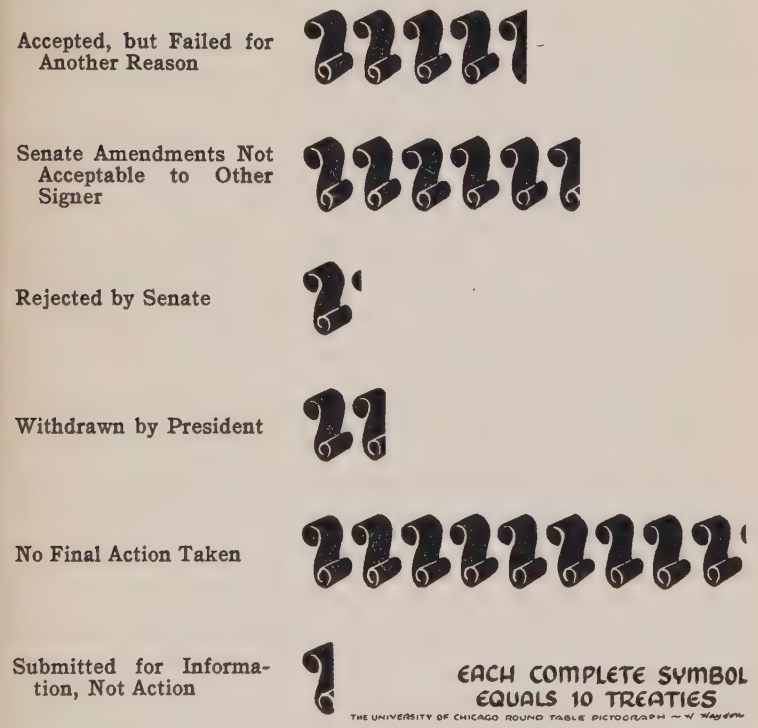
Mr. Corwin: Yet it was the opinion of a senator of the United States that we could enter the World Court by a joint resolution.

Mr. Wright: Yes, I believe we could have. I believe we could have entered the League of Nations by a joint resolution only.

Mr. Peffer: Now look, gentlemen (you see, it's probably tempting when you have political scientists around, isn't it?), but what I think you're doing now is drifting wholly to questions of procedure of technicalities.

I'd like to pose another question, rising out of all this, which is to me more important—and I'm inclined to think *the* only important one. The essential point now is this: Representative government appears to have worked as far as domestic concerns go; has it worked at all as far as foreign questions are concerned? The fact is, is it not, that in international questions—those things which determine life or death for young men—the democratic system has not yet

TREATIES SUBMITTED TO THE SENATE WHICH HAVE NOT GONE INTO EFFECT, 1789–1931*



* In the years 1789–1931, 228 treaties did not go into effect (Department of State, *List of Treaties Submitted to the Senate, 1789–1931, Which Have Not Gone into Force* [Washington: Government Printing Office, October 1, 1932]).

". . . . During the period of precisely a century and a half, ending April 30, 1939, the President had put in force, 'by and with the Advice and Consent' of at least two thirds of the Senators voting, about 800 treaties (there were in addition 12 treaties before the Constitution was in force) and had concluded more than 200 other instruments intended to become treaties by two votes to one, but which for various reasons had failed to enter into operation. More than 100 of these were either rejected by the vote of the Senate, or, much more usually, were never acted upon at all. Others failed because of Senatorial amendment or reservation . . . ." (McClure, *op. cit.*, p. 5).

operated? That is to say, there is no consent of the governed. The executive, or the executive end, and the legislators can make decisions which are binding or can take policies which are binding subsequently, and the rest of us have very little control. Do you, Wright, as a political scientist, think that's necessary? If not, what do you do about it? That to me is the important question.

MR. WRIGHT: You're coming right to our third question of what is desirable in the handling of foreign relations. I think that you've posed the problem.

We have to have executive initiative and we have to have the support of public opinion if we're going to conduct foreign affairs successfully. The question is: How are we going to get both of these desirable factors?

MR. CORWIN: Certainly executive initiative is absolutely inevitable, since the President is the only organ of government that can communicate with foreign governments and since he is the only organ of government that has the adequate information to conduct foreign relations. That was foreseen even in the *Federalist.*

But I wanted to make a remark on what Peffer said. You know that for many, many decades we had a kind of constitution that controlled our foreign relations, namely, the Monroe Doctrine. The problem that you have raised is certainly very crucial. It is, also, however, a somewhat recent problem. The Senate veto, which was an attempt to meet that problem, perhaps hasn't done so satisfactorily. Do you think so, Wright?

MR. WRIGHT: No, I don't think so. The support of public opinion is the prime thing that's needed. You referred to the Monroe Doctrine. That was a presidential declaration, but gradually it acquired the support of public opinion.

MR. CORWIN: Right.

Mr. Wright: It doesn't make much difference what constitutional method you use. If you do acquire the support of public opinion, then, the matter becomes a national policy. We have, at the present time, a good many new means of ascertaining what public opinion is. The President can have a fireside chat over the radio and send up trial balloons of one kind or another. He can study the . . . .

Mr. Corwin: . . . . Gallup poll.

Mr. Wright: . . . . Gallup poll, or there are numerous private organizations. I think that they're very important means for indicating public opinion.

Mr. Peffer: But, Wright, those are all like the Senate two-thirds rule. They're ratification after the fact. There is as yet no mechanism for consulting the governed with reference to consent or refusal before policies are formed.

Mr. Wright: I wouldn't agree with that. Take, for instance, the President's speech at the bridge in Chicago, where he suggested the possibility of a quarantine of aggressor nations. Personally, I think that that was a very desirable policy. I think that we'd have been better off if we'd carried it out. But the President examined the reactions of the press. It was really a trial balloon. He decided public opinion wasn't for it, and he didn't go ahead with that policy.[7]

Mr. Corwin: There's another point, too, on that general question of whether there is a public opinion that leads as well as a public opinion that merely ratifies. These private organizations of which you spoke a moment ago create a real public opinion in the country—an active public opinion with reference to foreign affairs—and I don't think that they're merely ratificatory—they're initiatory.

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[7] President Roosevelt delivered the "quarantine" speech in Chicago on October 5, 1937, at the dedication of a new bridge. In this speech he called upon the other nations to unite with the United States on a policy of quarantining the aggressor nations.

MR. WRIGHT: They're also educative. I think that's a very important thing. Of course, the use of public opinion, while necessary, may lead to disaster if public opinion is uninformed and misinformed. It will only urge policies which can't be successful.

MR. PEFFER: How much, Wright, did either you or Corwin have to say about the freezing of Japanese assets in July, 1941? I personally think that it was an excellent thing to do, but how much did you, Corwin, or I, or anybody else, or the University of Chicago have to do with that?

MR. WRIGHT: That specific thing we perhaps didn't. But certainly for three or four years before that I had been participating in various organizations that were urging certain policies in regard to the Far East.

MR. CORWIN: Me, too.

MR. PEFFER: Which were not executed, incidentally.

MR. CORWIN: I was for an embargo for years.

MR. PEFFER: Well, you hadn't anything to do with what was finally decided.

MR. WRIGHT: I think that we did. I think that the gradual growth of the opinion which was established by these private organizations made it possible for the government finally to take up the policy of embargoes and freezing assets.

MR. PEFFER: Do you realize what you're saying now? You're being completely defeatist about democratic control of foreign relations.

MR. CORWIN: How do you argue that, Peffer?

MR. PEFFER: What you're saying is that there can be nothing else except a loose and rather pervasive public opinion. That's no

true about tariffs; it's not true about taxes; it's not true about other things.

Mr. Wright: In the particular case, the Congress eventually became aware of this growing public opinion and crystallized it by authorizing the President to put into effect embargoes.

Mr. Corwin: Of course, I agree to some extent there with Peffer. I think that the condition of public opinion, of even a very active public opinion, is ineffective unless there are institutional arrangements by which it can be definitely brought to bear upon government, so that if government evades public opinion or ignores public opinion, government is definitely held responsible.

Mr. Wright: Yes, and there we come right to the subject of our discussion—this joint resolution. I think that it's very important as a means for crystallizing public opinion on the great issues which we'll have to settle after the war. It's a way of giving leadership to public opinion and of crystallizing public opinion.

Mr. Peffer: Wright, there again you come down to questions of procedure—those questions of crystallizing after decisions have been made. My point is this: if you should be elected President, or Corwin, which is all right with me . . . .

Mr. Wright: This isn't after decision is made. We're calling for a resolution right now.

Mr. Peffer: Well, suppose you do, but I'm talking about conduct of foreign relations generally. If you're President, you can come to a decision on which you form a policy and on which you begin to act without Congress' being even aware of it until later. I'm not making a criticism of the present—I think that the present foreign policy, on the whole, has been sensible. That isn't the point. The point is that, with reference to that foreign policy, the people as

a whole, the public as a whole, the electorate as a whole, has bee wholly negative, or almost wholly negative.

Mr. Corwin: Peffer, you profess to disparage questions of pr cedure and matters of procedure. As a matter of fact, of course, yo wind up by demanding some procedure.

I would like to suggest that the President's cabinet might be good place to start some tinkering. The President's cabinet is toda dead tissue in the body politic and ought to be eliminated for th reason if for no other. We ought to have a different kind of a cab net—a cabinet that is composed partly of congressional leaders that again that mutual confidence and contact that the framers the Constitution intended and thought they had established in th relationship between the President and Senate should be restore as to the whole of Congress. It doesn't make much difference toda what the one-third and one man of the Senate think about thing The important thing is that the President should control a majori in both houses of Congress and that that majority should base i decision on information.

Mr. Wright: That's an interesting point you have, Corwin. don't know as I'd junk the present cabinet, because it seems to m that the President has to keep in contact with the heads of admini tration in the various fields; but I think, also, a more direct way keeping in contact with Congress and with the political leaders Congress would be very desirable. Of course, you have had som suggestions of this in the occasional meetings of the President wi the Senate Foreign Relations Committee. President Wilson m with them.

Mr. Corwin: That's too much at the will and whim of the Pre dent. It ought to be an understood procedure of government, that a President is blamable if he doesn't resort to that kind of a

vice—advice from people who don't take their political salt from his table.

MR. PEFFER: I take it that he would have on the whole to get approval by this cabinet for policy. Is that what you're saying?

MR. CORWIN: I don't think that that could be required, because the President is seated in his present responsibility and powers by the Constitution. But the people would come to understand that in the exercise of those powers he followed a certain procedure which guaranteed his traveling in the open more than presidents of the United States have been accustomed to do in carrying on foreign relations.

MR. PEFFER: Procedure, Corwin.

MR. WRIGHT: I would strongly insist that this should be only advisory. The President's responsibility for making decisions and the initiation of foreign policy would have to be preserved.

MR. CORWIN: I agree with that.

MR. WRIGHT: It has to be constitutionally. But if the President had had such a consultation with congressional leaders, he would know what the attitude of Congress was, and so he would know whether the policy was going to be a feasible one when he came before a Congress for appropriations.

MR. CORWIN: Exactly, and his policy would rest on a wider and securer public opinion.

MR. PEFFER: For example, how would this apply now either to the Senate's Ball Resolution, which we are discussing, or to the decisions that have to be made when the war ends?

MR. WRIGHT: If you had such a cabinet—the kind Corwin refers to—the President could consult with the leaders that are initiating

this resolution, and they could confidentially meet with him, get hi views of whether it was good or not, and he could get their views a to whether it would pass the Congress.

MR. PEFFER: Corwin, would it have a right to bind him, limi him . . . .

MR. CORWIN: No, I think not.

MR. PEFFER: . . . . or check him? What difference would it make

MR. CORWIN: It's a matter of increasing his responsibility t public opinion and channeling public opinion through an official or gan into the councils of the President.

MR. PEFFER: Then what you're saying, Corwin, is that essen tially the conduct of foreign relations is a different thing from th conduct of domestic.

MR. CORWIN: No, I don't think so at all. I think that the tw things are very much the same and becoming more and more so With the increase of powers of government and the entrance int economic fields, executive leadership and executive initiative de velop all along the line. It, therefore, becomes all the more essen tial that we develop these controls that represent public opinion

MR. WRIGHT: I think that there is one important difference i foreign affairs and domestic affairs. In foreign affairs one is muc more frequently faced by a condition with the necessity that foreig nations are going to do something, and you have to guide your po icy by what they are doing.

In domestic policy the Congress can control the conditions i which a policy is to be effected, but in foreign affairs you can't do i That's why it seems to me that it's very important to realize tha we can't have a constitutional organization of the conduct of foreig affairs in this country unless we get around the war problem. If w

continue to have war, and threats of war, especially of total war, in our shrinking world, we're going to have dictatorship.

MR. PEFFER: Why, Wright, now you're being defeatist on two accounts!

MR. CORWIN: I don't quite agree with that.

MR. PEFFER: Suppose you have a world of power politics. You can still have a voice of the electorate in what relation this country might have to power politics.

MR. WRIGHT: I don't believe that you can, because you have to use military force, and you have to use it suddenly and secretively in case of attack.

MR. CORWIN: If we've got to wait until we get an international organization to introduce some reform in our own government, we may have to wait a long time.

MR. WRIGHT: I'm in favor of the reforms, but I'm simply saying that they won't function and that we won't be able to deliberate in the reaching of foreign policies when those policies are presented as necessities.

To summarize our discussion, gentlemen, we agree that the problem of conducting foreign relations is especially difficult in our government of checks and balances. The two-thirds rule in the Senate has not worked well. The Senate could not serve as an executive council, as intended by the Constitution. The minority veto has resulted in serious delay and has prevented proper American participation in international affairs. The rule has been sidestepped by executive agreement, by joint resolutions, and by new modes for the expression of public opinion.

The Ball Resolution, in seeking to crystallize senatorial opinion, may facilitate cooperation by the President with Congress and with

our Allies. Every effort should be made to avoid partisanship a
to avoid hampering essential presidential initiative and to strengt
en mutual confidence between the two branches of the governme

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SENATE RESOLUTION No. 114

INTRODUCED MARCH 17, 1943

Resolved, That the Senate advises that the United States take the initiative in calling meetings of representatives of the United Nations for the purpose of forming an organization of the United Nations with specific and limited authority:

(1) To assist in co-ordinating and fully utilizing the military and economic resources of all member nations in the prosecution of the war against the Axis.

(2) To establish temporary administrations for Axis-controlled areas of the world as these are occupied by the United Nations' forces until such time as permanent governments can be established.

(3) To administer relief and assistance in economic rehabilitation in territories of member nations needing such aid and in Axis territory occupied by United Nations' forces.

(4) To establish procedures and machinery for peaceful settlements of disputes and disagreements between nations.

(5) To provide for the assembly and maintenance of a United Nations military force and to suppress by immediate use of such force any future attempt at military aggression by any Nation.

That the Senate further advises that any establishment of such United Nations organization provide machinery for its modification, for the delegation of additional specific and limited functions to such organization, and for admission of other nations to membership, and that member nations should commit themselves to seek no territorial aggrandizement.

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What Do *You* Think?

1. In your opinion should the Ball Resolution be discussed and voted upon now so that the Senate will openly clarify and state its position on international economic and political problems?

2. What is the history of the struggle between President and Senate for the control of the conduct of foreign relations?

3. Do you think that executive agreements, approved by majorities of both houses of Congress, insure a more democratic check on foreign policy than the constitutional requirement of a two-thirds approval of a Senate quorum? Should the Atlantic Charter and the Declaration of the United Nations be passed on by the Senate or by both houses of Congress?

4. In your opinion was the nonparticipation of the United States in the League of Nations a result of partisan tactics, or was it a deliberate act of the Senate and the people? Do you agree with Mr. Peffer that the League of Nations was rejected because the majority of the Senate didn't want it, and they used the reservations as a means of killing it?

5. Should a joint committee of both houses of Congress be created to work with the President in formulating foreign policy?

6. Do you agree with Mr. Peffer that what cramps all other countries in dealing with the United States is that they don't know, when they have settled with one part of the government, whether that is the decision of the government and the country?

7. How important are executive agreements? How many have been made in the past, and what are some of the problems they have covered? What are the areas in which the President has the power to make executive agreements?

8. In what way is the conduct of foreign relations a different thing from the politics of domestic issues? Has public opinion the same opportunity for leadership on foreign policy issues that it exercises on domestic issues?

The People Say . . . .

The following letters are representative of the views expressed by th ROUND TABLE *audience on "Minorities," broadcast March 28, 194*

*

A Program

. . . . As a member of a minority group, I have a few ideas. They are by no means original, but I can say that you will find them quite common to members of my group.

1. The repeal or elimination of all statute laws calling for discrimination or segregation, based on color, race, or creed. This should be done first by the federal government followed by local states and communities similar to the pattern of the repeal of the prohibition amendment. Of course, there is no national amendment to be repealed, but there are countless edicts from federal bureau heads, including the armed forces, which say in effect that Negroes as such must be segregated and suffer discrimination.

2. Where separate patterns and organizations have been established for a long period, let them continue as functioning organizations sanctioned by law, yet rendering and serving a common need. (This is really a sop to the rabid South.)

3. Wherever there are new enterprises, new developments or expanded organizational functions, it should be distinctly understood that their genesis is predicated on the practice of complete racial equality.

It is this third point that is mo important. . . . . Clearly the respons bility of race relations rests on the n tion as a whole, and a program for i solution is one that is interwoven wi that of our war for the "Four Fre doms."—*A listener from Dorcheste Massachusetts*

*

Can Be Worked Out

. . . . I am a Negro woman who h lived in the South all my life—Tenne see and Georgia. We live a very qui and obscure life except for the religio work of the church in the Sunda schools and young people's trainin unions and missionary work. I hav only a high-school education, which received in Chattanooga, Tennesse . . . . We [Negroes and whites] are as musical instrument of white and blac keys, as it takes both working togeth to bring about harmony, yet neith touching the other—so with our tw races. I believe that we can work ha moniously together in this section we'd only try to understand eac other. The Negro of rational min does not seek social equality, neith does he seek to lead in places he know his own race is not yet qualified. . . my scattered story is like many othe of my race. It is so hard for us to el

out a living—with the cost of living as high as it is. We are paid so little and we have such few advantages. My health is much impaired because of my teeth, yet we do not make enough to attend to them. The white dentists of this town refuse to work on Negroes' teeth, which causes us the expense of going to larger towns to get dental work done. . . . .—*A listener from Dalton, Georgia*

*

Only Racial Problem Is Ready-made One

. . . . The real problem of the South is the poverty of its people with its attending evils. There is no other section of the country where white and black men live as close, as pleasantly, and with as much real understanding and as little friction as in the South—when we are left alone.

Would you be interested in knowing that we have on our place two blind Negroes, one simple-minded, one idiot, and one man with an illness which keeps him from working enough to support himself? Would you be interested further in knowing that none of them pay house rent, fuel, doctors, and only a portion of their food is paid by relatives who do go to the fields; that I pay above market price for the eggs and chickens they raise on rent-free yards? This is not unusual at all, but I mention it to try to explain that the only *racial* problem is the ready-made one promoted by crackpot theorists who may some day (that we hope will never come) have a sea of blood running over the South because of their insistence on another Reconstruction Period.—*A listener from Columbus, Mississippi*

*

Give the South a Fair Deal

. . . . No one section has a monopoly on liberalism, and although it must be admitted that the unfortunate economic setup to which Mr. McGill and Mr. Craven both made reference has done much to hinder progressive ideas in the South, all southerners are not stupid, brutal, or indifferent to the plight of our underprivileged classes, both black and white. We have had three hundred years of practical experience in dealing with the Negro problem and would therefore seem to be in a position to offer a more realistic approach to it than our critics in other sections, however earnest may be their desire to help. Many students of the matter, including some of the better Negro leaders, believe that crusading New Englanders and other outsiders with the missionary zeal in their voices have actually done the Negro more harm than good by interfering in matters in which they have only a superficial knowledge, largely obtained from books. . . . . If the friends of the Negro in other sections are sincere in their desire to help him, as well as other downtrodden elements in the South, there is a very simple means of accomplishing that end. Why not try giving the South itself a fair deal, and see if the southern people will not of their own free will and initiative turn their attention to the problems of their underprivileged? . . . .—*A listener from Memphis, Tennessee*

ROUND TABLE NETWORK OF 119 STATION

City	Call Letters	Kilo-cycles	City	Call Letters	Ki cyc
2:00 P.M. EASTERN WAR TIME					
Allentown, Pa.	WSAN	1470	Martinsville, Va.	WMVA	14
Altoona, Pa.	WFBG	1340	Miami, Fla.	WIOD	6
Asheville, N.C.	WISE	1400	New York, N.Y.	WEAF	6
Atlanta, Ga.	WSB	750	Norfolk, Va.	WTAR	7
Bluefield, W.Va.	WHIS	1440	Philadelphia, Pa.	KYW	10
Boston, Mass.	WBZ	1030	Pittsburgh, Pa.	KDKA	10
Charleston, S.C.	WTMA	1250	Portland, Me.	WCSH	9
Charleston, W.Va.	WGKV	1490	Providence, R.I.	WJAR	9
Charlotte, N.C.	WSOC	1240	Raleigh, N.C.	WPTF	6
Cincinnati, Ohio	WLW	700	Reading, Pa.	WEEU	8
Clarksburg, W.Va.	WBLK	1400	Richmond, Va.	WMBG	13
Cleveland, Ohio	WTAM	1100	Rochester, N.Y.	WHAM	11
Columbia, S.C.	WIS	560	Savannah, Ga.	WSAV	13
Detroit, Mich.	WWJ	950	Springfield, Mass.	WBZA	10
Florence, S.C.	WOLS	1230	Springfield, Ohio	WIZE	13
Grand Rapids, Mich.	WOOD	1300	Syracuse, N.Y.	WSYR	5
Greenville, S.C.	WFBC	1330	Tampa, Fla.	WFLA	9
Greenwood, S.C.	WCRS	1450	Toledo, Ohio	WSPD	7
Jacksonville, Fla.	WJAX	930	Washington, D.C.	WRC	9
Johnstown, Pa.	WJAC	1400	Williamsport, Pa.	WRAK	14
Harrisburg, Pa.	WKBO	1230	Wilmington, Del.	WDEL	11
Lakeland, Fla.	WLAK	1340	Winston-Salem, N.C.	WSJS	6
Lima, Ohio	WLOK	1240	York, Pa.	WORK	13
1:00 P.M. CENTRAL WAR TIME					
Birmingham, Ala.	WBRC	960	Louisville, Ky.	WAVE	9
Bismarck, N.D.	KFYR	550	Madison, Wis.	WIBA	13
Chicago, Ill.	WMAQ	670	Mankato, Minn.	KYSM	12
Dallas, Texas	WFAA	820	Memphis, Tenn.	WMC	7
Des Moines, Iowa	WHO	1040	Mobile, Ala.	WALA	14
Duluth, Minn., and Superior, Wis.	WEBC	1320	Montgomery, Ala.	WSFA	14
			Nashville, Tenn.	WSM	6
Eau Claire, Wis.	WEAU	1070	New Orleans, La.	WSMB	13
El Paso, Texas	KSTM	1380	Oklahoma City, Okla.	WKY	9
Evansville, Ind.	WGBF	1280	Omaha, Neb.	WOW	5
Fargo, N.D.	WDAY	970	Rochester, Minn.	KROC	13
Fort Wayne, Ind.	WOWO	1190	St. Cloud, Minn.	KFAM	14
Hattiesburg, Miss.	WFOR	1400	Shreveport, La.	KTBS	14
Hibbing, Minn.	WMFG	1240	Sioux Falls, S.D.	KSOO	11
Houston, Texas	KPRC	950	Springfield, Mo.	KGBX	12
Indianapolis, Ind.	WIRE	1430	Terre Haute, Ind.	WBOW	12
Kansas City, Mo.	WDAF	610	Tulsa, Okla.	KVOO	11
Kingsport, Tenn.	WKPT	1400	Virginia, Minn.	WHLB	14
La Crosse, Wis.	WKBH	1410	Wichita, Kan.	KANS	12
Little Rock, Ark.	KARK	920			
12:00 M. MOUNTAIN WAR TIME					
Albuquerque, N.M.	KOB	1030	Phoenix, Ariz.	KTAR	6
Billings, Mont.	KGHL	790	Pocatello, Ida.	KSEI	9
Boise, Ida.	KIDO	1380	Safford, Ariz.	KGLU	14
Bozeman, Mont.	KRBM	1450	Salt Lake City, Utah	KDYL	13
Butte, Mont.	KGIR	1370	Tucson, Ariz.	KVOA	12
Denver, Colo.	KOA	850	Twin Falls, Ida.	KTFI	12
Helena, Mont.	KPFA	1240	Yuma, Ariz.	KYUM	12
11:00 A.M. PACIFIC WAR TIME					
Bakersfield, Cal.	KERN	1410	Sacramento, Cal.	KFBK	15
Fresno, Cal.	KMJ	580	San Diego, Cal.	KFSD	6
Los Angeles, Cal.	KFI	640	San Francisco, Cal.	KPO	6
Medford, Ore.	KMED	1440	Seattle, Wash.	KOMO	9
Portland, Ore.	KGW	620	Spokane, Wash.	KHQ	5
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Buffalo, N.Y.	WBEN	930	Minneapolis and St. Paul, Minn.	KSTP	15
Columbus, Ohio	WCOL	1230	St. Louis, Mo.	KSD	5
Milwaukee, Wis	WTMJ	620	Schenectady, N.Y.	WGY	8
Minneapolis, Minn.	WLB	770			
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APRIL 11, 1943

Thomas Jefferson and the Meaning of Democracy

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AVERY O. CRAVEN, Department of History, University of Chicago

CHARLES E. MERRIAM, Department of Political Science, University of Chicago

T. V. SMITH, Department of Philosophy, University of Chicago

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SUGGESTED READINGS

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